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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,294	07/09/2003	Frederick C. Foote	21607-00002	1293

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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE - 3 - MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-19 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 070903
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

2. A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Creamer. Note particularly Figures 1-3, column 1 lines 8-32, column 2 lines 18-23, lines 45-59, column 3 lines 3-16, lines 47-53, column 4 lines 9-12, lines 20-24, lines 33-42, lines 48-50. The reference discloses a disposable absorbent pad, i.e. an absorbent sheet of paper or the like (column 1 lines 24-25) which is coated with a suitable adhesive on one of its opposing outer surfaces, which is substantially all applicant's broad claims require. Additionally, after use it can be discarded and replaced by another pad of the same construction (column 4 lines 48-50, column 3 lines 3-6). Finally, it is noted that applicant's broad claims read upon a sheet of absorbent paper having a suitable repositionable or releasable adhesive on its back surface.

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in

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this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5, 7-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Creamer. The reference is relied upon substantially as previously set forth, with such elements as the presence of advertising or printable material (claims 3-5, 9-11) and the utilization of a pad (claims 7-13) believed to be well known in the art. Alternatively, with respect to the utilization of pads of adhesive type sheets in the art, note as evidence of the state of the art McKay, U.S. 6,458,442B1 which discloses a pad containing a cleaning mask with a plurality of disposable sheets. With respect to the method of use claims 14-18, note that Creamer clearly teaches the utilization of a disposable absorbent pad (e.g. column 1, lines 24-25, column 3 lines 3-6 and column 4 lines 48-50) which is believed to put the nominal method steps of using and then removing an absorbent sheet upon becoming soiled well within the presence of one of ordinary skill. Finally, with respect to the continuous rolls set forth in claim

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19, the Examiner also believes that such structures are well known to one of ordinary skill in the art in the absorbent paper business.

6. (e) The invention was described in (1) an application for patent, published under Section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2 and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Stickler. Note particularly the Figures, column 1 line 39 - column 2 line 8, column 3 lines 15-25, lines 36-43, column 4 lines 9-26, lines 53-56, column 5 lines 3-17, claims 1 and 2. This reference also discloses the basic structure of an absorbent pad being coated on an outer surface with a layer of adhesive for attachment to a suitable surface such as a floor (column 1 lines 53-59, column 2 lines 6-8). Additionally, the embodiment set forth in the reference appears to indicate that the minimal geometric requirements of claim 6 requiring an absorbent adhesive sheet suitable for use in a bird

or animal cage are believed to be inherently met. Again, it is noted that applicant's claims are broad enough to read upon a suitable sheet of absorbent paper or the like coated with a suitable weak adhesive.

8. Claims 3-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stickler. The reference is again relied upon substantially as set forth above, with the above analysis that was utilized with respect to the Creamer disclosure again repeated for the Stickler reference. It is again noted that McKay is relied upon as disclosing pads of adhesive type sheets, and with the Examiner's analysis of method claims 14-18 is again believed to be clearly applicable. Finally, such parameters as the use of advertisements or writings, the utilization of folds in the pads and also the analysis for roll claim 19 are each again believed applicable, in the absence of unexpected results not heretofore set forth on the record.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note also Bellander which discloses (column 3 lines 23-35) the utilization of repositionable or other "post-it" type adhesive compositions on the back of suitable absorbent paper sheets.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel

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Zirker whose telephone number is (571) 272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzirker:cdc

December 13, 2004

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1300-
1700

Daniel Zirker